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14  
15 **UNITED STATES DISTRICT COURT**  
16  
17 **DISTRICT OF NEVADA**

18 THE BANK OF NEW YORK MELLON FKA  
19 THE BANK OF NEW YORK, AS TRUSTEE  
20 FOR THE HOLDERS OF THE  
21 CERTIFICATES, FIRST HORIZON  
22 MORTGAGE PASS-THROUGH  
23 CERTIFICATES SERIES FHAMS 2006-AA5,  
24 BY FIRST HORIZON HOME LOANS, A  
DIVISION OF FIRST TENNESSEE BANK  
NATIONAL ASSOCIATION, MASTER  
SERVICER, IN ITS CAPACITY AS AGENT  
FOR THE TRUSTEE UNDER THE POOLING  
AND SERVICING AGREEMENT,

Case No.: 2:17-cv-2911-MMD-NJK

25  
26 **STIPULATION AND ORDER TO STAY  
27 SUBMISSION OF PROPOSED  
DISCOVERY PLAN AND DISCOVERY  
28 PENDING COMPLETION OF NRED  
MEDIATION**

Plaintiff,

vs.

PARK AVENUE HOMEOWNERS'  
ASSOCIATION AND RED ROCK FINANCIAL  
SERVICES, LLC,

Defendants.

This action arises out of a homeowner association foreclosure sale. Park Avenue Homeowners' Association (**HOA**) foreclosed on a parcel of real property. The HOA bought the property at the sale. Defendant Red Rock Financial Services, LLC (**Red Rock**) is the collection agent. At the time of the sale, the property was encumbered by a first deed of trust. The Bank of

1 New York of New York Mellon f/k/a The Bank of New York, as Trustee for the holders of the  
2 Certificates, First Horizon Mortgage Pass-Through Certificates Series FHAMS 2006-AA5, by First  
3 Horizon Home Loans, a division of First Tennessee Bank National Association, Master Servicer, in  
4 its capacity as agent for the Trustee under the Pooling and Servicing Agreement (**BNY Mellon**)  
5 brought this action to confirm that its rights to the deed of trust were unaffected by the sale.

6 Prior to the filing of the complaint, BNY Mellon submitted a demand for mediation with the  
7 Nevada Department of Business and Industry – Real Estate Division (**NRED**) for mediation  
8 pursuant to NRS 38.030 to 38.360. BNY Mellon and the HOA have had numerous NRED  
9 mediation sessions, and the parties believe they are close to working out a settlement. If settlement  
10 occurs, this parties anticipate this entire litigation will be resolved by way of stipulation for  
11 dismissal, including as to Red Rock.

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1       Based on the foregoing, BNY Mellon, HOA and Red Rock agree that economy is best served  
2 by staying submission of the proposed discovery plan and discovery in this case until such time as  
3 the Chapter 38 NRED mediation process is complete. The parties request permission to file a status  
4 report with the court in 60 days advising on the status of the mediation efforts. If the case has not  
5 yet settled, the parties will submit a proposed discovery plan and scheduling order at the 60 day  
6 deadline. Alternatively, the parties will submit a notice of settlement or stipulation to dismiss.

7       Dated this the 14th day of February, 2018.

8       **AKERMAN LLP**

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19      Homeowners Association*

16      **KOCH & SCOW LLC**

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26      *Attorneys for defendant Red Rock Financial  
27      Services, LLC*

28      **IT IS SO ORDERED.**

25      Dated: February 15, 2018

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27      UNITED STATES MAGISTRATE JUDGE